

FILED
Clerk
District Court

SEP 20 2005

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN MARIANA ISLANDS

KENNETH COUTURE,

Civil Action No. 05-0024

Plaintiff,

vs.

AMERICAN OVERSEAS MARINE
CORPORATION and GENERAL
DYNAMICS CORPORATION.

CASE MANAGEMENT SCHEDULING ORDER

Defendants.

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Pursuant to Federal Rule of Civil Procedure 16(b)¹ and Local Rule 16.2CJ.e.4, a Case Management Conference was conducted in the above case on September 20, 2005. As a result of the conference,

Fed.R.Civ.P. 16(b)(6) provides in part that a case management scheduling order "shall not be modified except upon a showing of good cause and by leave of the district judge[.]" To establish good cause, a party must generally show that even with the exercise of due diligence it cannot meet the order's timetable. See e.g. Johnson v. Mammoth Recreations, Inc., 975 F.2d 604, 609 (9th Cir. 1992). The liberal amendment policy of Fed.R.Civ.P. 15 no longer obtains once the case management scheduling order has been entered. See Coleman v. Quaker Oats Co., 232 F.3d 1271, 1294 (9th Cir. 2000).

1 IT IS ORDERED THAT:

- 2 1. All parties are to be joined on or before January 2, 2006.
- 3 2. All motions to amend pleadings shall be filed on or before January 2, 2006.
- 4 3. All discovery shall be served by March 1, 2006.
- 5 4. All fact discovery motions shall be filed so as to be heard on or before April 20, 2006. The following discovery documents and proofs of service thereof shall not be filed with the Clerk until there is a motion or proceeding in which the document or proof of service is in issue and then only that part of the document which is in issue shall be filed with the Court:
- 6 a. Transcripts of depositions upon oral examination;
- 7 b. Transcripts of deposition upon written questions;
- 8 c. Interrogatories;
- 9 d. Answers or objections to interrogatories;
- 10 e. Requests for production of documents or to inspect tangible things;
- 11 f. Responses or objections to requests for production of documents or to inspect tangible things;
- 12 g. Requests for admission; and,
- 13 h. Responses of objections to requests for admission.
- 14 5. Plaintiff expert disclosure - April 3, 2006.
- 15 6. Defendant and third-party defendant expert disclosure - April 24, 2006.
- 16 7. Expert discovery shall be completed by June 1, 2006.
- 17 8. A status conference will be held on March 24, 2006, at 9:00 a.m.
- 18 9. All dispositive motions shall be heard on or before July 13, 2006. Said motions shall be filed in accordance with Local Rules 7.1 and/or 56.1.
- 19 10. A settlement conference will be held on July 21, 2006, at 9:00 a.m.
- 20 11. The jointly-prepared final pretrial order, prepared pursuant to Local Rule 16.2CJ.e.9, shall be filed with this Court by August 11, 2006.
- 21 12. A final pretrial conference will be held on August 18, 2006, at 10:00 a.m.
- 22 13. The trial in this case shall begin on August 28, 2006, at 9:00 a.m.

This case has been assigned to the Standard Track.

DATED THIS 20th day of September, 2005, Garapan, Saipan, CNMI.

JUDGE ALEX R. MUNSON